

DEC 21 2006

Serial No.: 10/531,810  
Examiner: Muhammad N. Edun  
Title: INFORMATION RECORDING MEDIUM, INFORMATION RECORDING APPARATUS AND INFORMATION  
REPRODUCING APPARATUS FOR THE SAME  
Page 7 of 9

### REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Editorial revisions have been made in claims 1-6. New claims 13-25 have been added. The revisions are supported by the original disclosure, for example, page 9, lines 33-37. No new matter has been introduced. Claims 7-12 have been canceled without prejudice. Claims 1-6 and 13-25 are pending in the application.

### Claim Rejections – 35 USC § 102

Claims 1-12 are rejected under 35 USC § 102(b) as being anticipated by Shoji et al. (WO 02/25645). Applicants respectfully traverse this rejection. Claims 7-12 have been canceled without prejudice. Applicants are not conceding the correctness of the rejection as applied to claims 7-12.

Claim 1 requires an information recording medium including apparatus nullification information that has been recorded in advance on the information recording medium.

The present apparatus nullification information uses inherent information in an optical disk recording apparatus, for example, a DVD-RAM recording apparatus, for identifying the optical disk recording apparatus (see page 24, lines 24-30 of the present specification).

When the present information recording medium is in use, a properly licensed optical disk recording apparatus can use its inherent information to decode the apparatus nullification information, and therefore allow compatibility to be imparted between the apparatuses during recording or reproduction of digital work (see page 25, lines 7-12 of the present specification).

On the other hand, an unlicensed optical disk recording apparatus cannot use its inherent information to decode the apparatus nullification information. As a result, the encrypted digital works recorded on the information recording medium cannot be recorded and reproduced. For example, if an apparatus has performed illegal duplication of the digital works by tampering with the apparatus, some information that can be decoded by using inherent information of a properly licensed apparatus can be eliminated

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Title: INFORMATION RECORDING MEDIUM, INFORMATION RECORDING APPARATUS AND INFORMATION REPRODUCING APPARATUS FOR THE SAME

Page 8 of 9

from the apparatus nullification information, and thus the recording and reproduction of the digital works can be nullified (see page 24, line 34 to page 25, line 6 of the present specification).

Shoji et al. fail to disclose an information recording medium including apparatus nullification information that has been recorded in advance on the information recording medium, as recited in claim 1. Instead, Shoji et al. discuss sub-digital data relating to inherent information of an optical disk, completely distinct from the apparatus nullification information required by claim 1.

For at least these reasons, claim 1 is patentable over Shoji et al. Claims 2-6 ultimately depend from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the reference to the remaining features of the rejected claims.

#### New Claims

New claims 13-25 have been added. New independent apparatus claim 14 is patentable over Shoji et al. for reasons similar to those discussed above. Claim 14 requires a data converting unit that subjects sub-information to data conversion based on apparatus nullification information that has been recorded in advance on the information recording medium. Shoji et al. fail to disclose the apparatus nullification information that has been recorded in advance on the information recording medium, as required by claim 14. Thus, claim 14 is distinguishable from Shoji et al.

New independent apparatus claim 20 requires a random number sequence generating unit that reads out apparatus nullification information that has been recorded in advance on the information recording medium and generates a pseudo random number sequence based on the apparatus nullification information. Shoji et al. fail to disclose such a random number sequence generating unit that reads out apparatus nullification information that has been recorded in advance on the information recording medium, as required by claim 20. For at least this reason, claim 20 is patentable over Shoji et al.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be

Serial No.: 10/531,810

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Title: INFORMATION RECORDING MEDIUM, INFORMATION RECORDING APPARATUS AND INFORMATION  
REPRODUCING APPARATUS FOR THE SAME

Page 9 of 9

directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

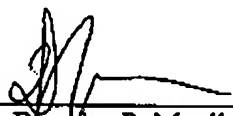


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